

Appl. No. : 10/713,244  
Filed : November 13, 2003

### REMARKS

In response to the restriction requirement mailed on March 6, 2006, Applicants elect without traverse Group I claims 1-9, 11-14, 16-22, 29 and 31-41, drawn to a method of fabricating an implantable medical device and an implantable medical device. The restriction requirement also included a species election between a 1) porous layer comprising gold and 2) porous layer comprising stainless steel. However, pursuant to a telephone call with Examiner Urmi Chattopadhyay on March 23, 2006, Applicants now submit claim amendments that upon entry will make the pending claims of Invention Group I either generic or directed to a porous layer comprising cobalt-chromium. Applicants believe the submitted claim amendments will render the prior species election moot.

Should the claim amendments not be entered, Applicants elect without traverse the species directed to a porous layer comprising stainless steel, which is readable by Claims 1-2, 4-9, 11-14, 16-22, 29, 31, and 33-41 in Group I.

### Amended and Canceled Claims

Applicants have amended dependent Claims 3, 13, and 32. These amendments do not introduce new matter, as cobalt-chromium alloy, including L605, is discussed, for example, in paragraphs [0017] and [0025] of the specification. Applicants have canceled Claim 36 without prejudice, and reserve the right to pursue the canceled claims in future continuation applications.

Following entry of the foregoing amendments, Claim 1 through 9, 11 through 14, 16 through 22, 29 through 35, and 37 through 41 remain pending in the present application.

### Conclusions

The foregoing amendments have been made without prejudice, and Applicants may pursue the same or similar claims in this or related patent applications.

All of the claims currently pending in the present application are believed to be allowable over the prior art, and such action is earnestly solicited. If, however, any matters remain which could be resolved by Examiner's Amendment, the Examiner is cordially invited to contact the undersigned by telephone so that any such matters can be promptly resolved.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 4/4/06

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AMEND

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